

## CHAPTER 9.32

### Firearms and Weapons

#### 9.32.010 Definitions.

A. As used in this Chapter, unless the context otherwise requires:

*Blackjack* includes any billy, sand club, sandbag or other hand-operated striking weapon consisting, at the striking end, of an encased piece of lead or other heavy substance and, at the handle end, a strap or springy shaft which increases the force of impact.

*Deadly weapon* means any of the following which in the manner it is used or intended to be used is capable of producing death or serious bodily injury:

- a. A firearm, whether loaded or unloaded;
- b. A knife;
- c. A bludgeon; or
- d. Any other weapon, device, instrument, material or substance, whether animate or inanimate.

*Deface* means to alter the appearance of something by removing, distorting, adding to or covering all or part of the thing.

*Dwelling* means a building which is used, intended to be used, or usually used by a person for habitation.

*Firearm* means any handgun, automatic, revolver, pistol, rifle, shotgun or other instrument or device capable or intended to be capable of discharging bullets, cartridges or other explosive charges.

*Gas gun* means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device, and includes projectiles designed for use in such a device.

*Gravity knife* means any knife that has a blade released from the handle or sheath thereof by the force of gravity or the application of centrifugal force, that when released is locked in place by means of a button, spring, lever or other device.

*Knife* means any dagger, dirk, knife or stiletto with a blade over three and one-half (3½) inches in length, or any other dangerous instrument capable of inflicting cutting, stabbing or tearing wounds, but does not include a hunting or fishing knife carried for sports use. The issue that a knife is a hunting or fishing knife must be raised as an affirmative defense.

*Switchblade knife* means any knife, the blade of which opens automatically by hand pressure applied to a button, spring or other device in its handle. (Ord. 896-93; Ord. 347 77)

#### **9.32.020 Possessing an illegal weapon.**

A. As used in this Section, the term *illegal weapon* means a blackjack, gas gun, metallic knuckles, gravity knife or switchblade knife.

B. A person commits a violation of this Section if he or she possesses an illegal weapon.

C. It shall be an affirmative defense to the charge of possessing an illegal weapon that the person so accused was a peace officer or member of the armed forces of the United States or Colorado National Guard acting in the lawful discharge of his or her duties, or that said person has a valid permit and license for possession of such weapon. (Ord. 896-93; Ord. 347 77)

#### **9.32.030 Possessing a defaced firearm.**

A person commits a violation of this Section if he or she knowingly and unlawfully possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered or destroyed except by normal wear and tear. (Ord. 896-93; Ord. 347 77)

#### **9.32.040 Defacing a firearm.**

A person commits a violation of this Section if such person knowingly removes, defaces, covers, alters or destroys the manufacturer's serial number, or any other distinguishing number or identification mark of a firearm. (Ord. 896-93; Ord. 347 77)

#### **9.32.050 Carrying a concealed weapon.**

A. A person commits a violation of this Section if he or she knowingly:

1. Carries a knife concealed on or about his or her person.
2. Carries a firearm concealed on or about his or her person.

B. It shall be an affirmative defense that the defendant was:

1. A person in his or her own dwelling, or place of business, or on property owned or under his or her control at the time of the act of carrying.

2. A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of such person's or another's person or property, while traveling.

3. A person who, prior to the time of carrying a concealed weapon, has been issued a written permit pursuant to Section 18-12-105.1, C.R.S., to carry the weapon by the Chief of Police or the Weld County Sheriff.

4. A peace officer, Level I or Level Ia, as defined in Section 18-1-901(3)(1)(I) or (3)(1)(II), C.R.S.

5. A peace officer, Level II, as defined in Section 18-1-901(3)(1)(III), C.R.S., while on duty. (Ord. 896-93; Ord. 347 77)

### **9.32.060 Prohibited use of weapons.**

A. A person commits a violation of this Section if:

1. He or she knowingly and unlawfully aims a firearm at another person.
2. Recklessly or with criminal negligence he or she discharges a firearm or shoots a bow and arrow.
3. He or she knowingly sets a loaded gun, trap, or device designated to cause an explosion upon being tripped or approached, and leaves it unattended by a competent person immediately present.
4. He or she has in his or her possession a firearm while he or she is under the influence of intoxicating liquor or of a controlled substance, as defined in Section 12-22-303(7), C.R.S. Possession of a permit issued under Section 18-12-105.1, C.R.S., is no defense to a violation of this Section.
5. He or she knowingly aims, swings, or throws a throwing star or nunchaku, as defined in this Paragraph, at another person, or he or she knowingly possesses a throwing star or nunchaku in a public place except for the purpose of presenting an authorized public demonstration or exhibition or pursuant to instruction in conjunction with an organized school or class. When transporting throwing stars or nunchaku for a public demonstration or exhibition or for a school or class, they shall be transported in a closed, nonaccessible container. For purposes of this Paragraph, nunchaku means an instrument consisting of two (2) sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire or chain, which is in the design of a weapon used in connection with the practice of a system of self-defense, and *throwing star* means a disk having sharp radiating points or any disk-shaped bladed object which is hand-held and thrown and which is in the design of a weapon used in connection with the practice of self-defense. (Ord. 896-93; Ord. 347 77)

### **9.32.070 Unlawfully carrying of deadly weapon on school, college or university grounds.**

A. A person commits a violation of this Section if such person knowingly and unlawfully, and without legal authority, carries, brings or has in his or her possession a deadly weapon in or on the real estate and all improvements erected thereon of any public or private elementary or secondary school or any public or private college, university or seminary, except for the purpose of presenting an authorized public demonstration or exhibition pursuant to instruction in conjunction with an organized school or class, for the purpose of carrying out the necessary duties and functions of an employee of an educational institution which require the use of a deadly weapon or for the purpose of participation in an authorized extracurricular activity or athletic team.

B. It shall not be an offense under this Section if:

1. The weapon is unloaded and remains inside a motor vehicle while upon the real estate of any public or private college, university or seminary; or
2. The person is in that person's own dwelling or place of business or on property owned or under that person's control at the time of the act of carrying; or

3. The person is in a private automobile or other private means of conveyance and is carrying a weapon for lawful protection of that person's or another's person or property while traveling; or

4. The person, prior to the time of carrying a concealed weapon, has been issued a written permit pursuant to Section 18-12-105.1, C.R.S., to carry the weapon by the Chief of Police or the Weld County Sheriff; or

5. The person is a peace officer, Level I or Level Ia, as defined in Section 18-1-901(3)(1)(I) or (3)(1)(II), C.R.S.; or

6. The person is a peace officer, Level II, as defined in Section 18-1-901(3)(1)(III), C.R.S., while on duty; or

7. The person is a peace officer, Level IIIa, as defined in Section 18-1-901(3)(1)(IV.5), C.R.S., while on duty and under supervision; or

8. The person has possession of the weapon for use in an educational program approved by a school which program includes, but shall not be limited to, any course designed for the repair or maintenance of weapons. (Ord. 896-93, 1993)

#### **9.32.080 Discharging dangerous or deadly weapons prohibited – when.**

A. It is unlawful for any person to discharge within the city limits any weapon, or any air gun, gas-operated gun or spring gun, or any instrument, toy or weapon commonly known as a "peashooter," "slingshot" or "beany," or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above, or by any other name; provided, that nothing contained in this section and Section 9.32.090 below shall prevent the use of any such instruments in shooting galleries or for hunting as designated in Section 9.32.150 of this Chapter.

B. Exemptions: Nothing in this Chapter shall be construed to forbid United States marshals, sheriffs, constables and their deputies; or any peace officers, as defined by state law, or members of the United States Armed Forces, Colorado National Guard or Reserve Officer Training Corps from having in their possession, displaying, concealing or discharging such weapons as are necessary in the authorized and proper performance of their official duties, or for training purposes. (Ord. 975-09; Ord. 138-02; Ord. 896-93; Ord. 347 77)

#### **9.32.090 Displaying certain weapons for sale prohibited.**

It is unlawful for any secondhand dealer or pawnbroker, or any other individual, firm or corporation engaged in the wholesale or retail sale, rental or exchange of any of the weapons hereinafter named, to display or place on exhibition, in any show window, or other window facing upon any street of the City, any pistol, revolver or other firearm with a barrel less than twelve (12) inches in length. (Ord. 896-93; Ord. 347 77)

#### **9.32.100 Selling weapons to certain persons prohibited.**

A. It is unlawful for any person to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to a person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

B. Further, such unlawful purchase, sale, loan or furnishing shall be grounds for revocation of any license issued by the City to such person. (Ord. 896-93; Ord. 347 77)

**9.32.110 Concealing or displaying certain weapons prohibited – forfeiture.**

A. It is unlawful for any person to wear under his or her clothes, or concealed about his or her person, or to display in a threatening manner, any dangerous or deadly weapon, including, but not by way of limitation, any pistol, revolver, slingshot, cross-knuckles or knuckles of lead, brass or other metal, or any bowie knife, dirk, dagger or any knife resembling a bowie knife, or other illegal or deadly weapon.

B. It is unlawful for any person to sell, offer to sell, display, use, possess or carry any knife or knives having the appearance of a pocket knife, the blade or blades of which can be opened by a flick of a button, pressure on the handle, or other mechanical contrivance. Any such knife is hereby declared to be a *dangerous or deadly weapon* within the meaning of this Section and shall be subject to forfeiture to the City as provided in Sections 9.32.120 and 9.32.130 below. (Ord. 896-93; Ord. 347 77)

**9.32.120 Forfeiture of weapons required – when.**

A. Every person convicted of any violation of Section 9.32.020 through Section 9.32.110 above shall forfeit to the City Police Department the weapon which is the subject of the offense, unless good cause is shown. Appeals of decision of the Chief of Police shall be made to the Municipal Judge within ten (10) days of forfeiture.

B. Nothing in this Section shall be construed to forbid United States Marshals, sheriffs, constables, and their deputies, and any regular, special or ex officio police officer, or any other law enforcement officers, from the carrying or wearing while on duty of such weapons as shall be necessary in the proper discharge of their duties. (Ord. 896-93; Ord. 347 77)

**9.32.130 Disposition of forfeited weapons.**

It shall be the duty of every police officer, upon making any arrest and taking such a concealed, deadly or illegal weapon from the person of the offender, to deliver the same to the Police Department to be held until the final determination of the prosecution for such offense. Any weapons subject to seizure or forfeiture for which disposition is not provided by another ordinance, may be disposed of as follows, at the discretion of the Chief of Police unless otherwise ordered by the Municipal Judge:

A. By the Police Department if such weapon seized can be used by the Police Department.

B. Pursuant to the requirements of Chapter 2.40 of this Code. (Ord. 896-93; Ord. 347 77)

**9.32.140 (Repealed by Ordinance No. 1148-99).**

**9.32.150 Revocable permits for hunting.**

A. The City Clerk, or his or her designee, may grant a revocable permit to a landowner, containing such conditions as may be appropriate, to allow hunting on specific parcels or areas within parcels within the City. Such permit shall be granted for a time period to be determined by the City Clerk, but not to exceed one (1) year. Any such permit so granted shall be subject to all statutes and regulations of the State pertaining to the discharge of firearms, BB guns, pellet guns, bow and arrow, crossbows or other weapons. Any such permit so granted shall specifically designate what animals, fowl or wildlife may be hunted in such designated parcel or area and shall state that such animals, fowl or wildlife may only be

hunted in conformance with state regulations governing hunting seasons. The hunting permit application shall be accompanied by a payment of one hundred dollars (\$100.00), which is required for each new application and for each subsequent renewal application. The permit applicant is required to sign an agreement, to include the landowner's responsibility to provide a copy of the permit to all lessees and/or users of the property, and also acknowledge that the revocable permit can be revoked without cause at any time at City discretion. Any such permit so granted shall specifically designate the individual hunters who will use the property. Additionally, individual hunters must possess a valid permit from the Division of Wildlife, and each must apply individually with the City for inclusion on the list applicable to a specific parcel or area, and submit a twenty-five-dollar fee. Individual hunters must sign an agreement acknowledging his or her obligations and responsibilities.

B. Any violation of the foregoing provisions may be punishable by a fine of up to three hundred dollars (\$300.00) and up to one (1) year in jail.

C. Administrative denial of a revocable permit may be appealed to the Community and Economic Development Manager. Within thirty (30) calendar days of an administrative denial of a revocable permit, the applicant shall submit to the City Clerk a written request for appeal. City staff will then schedule review of the appeal. (Ord. 475-09)